

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)  
[Enter your name, address and telephone number]  
Bed Bath and Beyond Shareholder  
228 Park Ave S PMB 932020  
New York, New York 10003-1502  
147Aurora741@gmail.com

In Re:  
[Enter the debtor's name(s)]  
Bed Bath & Beyond Inc.

Case No.: 23-13359  
[Enter the case number]  
Chapter: 11  
[Enter the chapter; example: 13]  
Hearing Date: 7/9/2024  
[Enter the hearing date]  
Judge: Papalia  
[Enter the Judge's last name]

**NOTICE OF MOTION TO**

[Enter the relief sought] Request for Relief and Appointment of Official Committee of Equity Security Holders

Bed Bath and Beyond Shareholder  
[Enter your name] \_\_\_\_\_ has filed papers with the court to [Enter the relief sought] \_\_\_\_\_  
request immediate review and appointment of an Official Committee of Equity Security Holders

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: 7/9/2024  
[Enter the date of the hearing]  
Hearing Time: 2:30 PM EST  
[Enter the time of the hearing]  
Hearing Location: Virtual  
[Enter the location of the hearing]  
\_\_\_\_\_  
\_\_\_\_\_  
Courtroom Number: N/A  
[Enter the courtroom number]

U.S. BANKRUPTCY COURT  
FILED  
NEWARK, NJ  
2024 AUG 20 P 3:03  
JENNIFER A. HILGENTON  
CLERK  
Diana Chynoweth

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

*[Enter the trustee's name and address]*

*[Enter the name and address of all other parties who will be affected by this motion]*

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: 6/13/2024  
*[Enter the date this document is signed]*

Bed Bath and Beyond Shareholder  
Signature *[Of the party seeking relief]*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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[Enter your name, address and telephone number]  
Bed Bath and Beyond Shareholder  
228 Park Ave S PMB 932020  
New York, New York 10003-1502  
147Aurora741@gmail.com

U.S. BANKRUPTCY COURT  
FILED  
NEWARK, NJ

2024 AUG 20 P 3:03

JEANINE A. NAUGHTON  
BY: Diane Chynoweth  
DEPUTY CLERK

In Re:  
[Enter the debtor's name(s)]  
Bed Bath & Beyond Inc.

Case No.: 23-13359  
[Enter the case number]  
Chapter: 11  
[Enter the chapter]  
Hearing Date: 7/9/2024  
[Enter the hearing date]  
Judge: Papalia  
[Enter the judge's last name]

**CERTIFICATION OF** Bed Bath and Beyond Shareholder

[Enter the name of the person that has personal knowledge of the facts set forth below]

I, [Enter the name of the person that has personal knowledge of the facts set forth below]  
Bed Bath and Beyond Shareholder, [Enter their relationship to the case. For  
example: debtor, creditor] Shareholder in the above captioned case, submits this  
Certification in support of the Motion for [Enter title of motion] Request for relief and appointment  
of an Official Committee of Equity Security Holders filed by me on [Enter the date the motion was  
filed] June 13th, 2024.

1. [Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a  
separate numbered paragraph.] According to 11 U.S.C. § 1102(a)(2), "On request of a party in interest,  
the court may order the appointment of additional committees of creditors or of equity security holders if  
necessary to assure adequate representation of creditors or of equity security holders."

2. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* According to 11 U.S.C. § 1102(b)(2), "On request of a party in interest, and after notice and a hearing, the court may order a change in the membership of a committee appointed under subsection (a) if the court determines that the change is necessary to ensure adequate representation of creditors/equity security holders."

3. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* Significant developments in related legal proceedings that directly impact shareholder rights and potential recoveries. This new information was not available at the time of the plan confirmation process and suggests that shareholders' interests and the financial standing of the company were not appropriately evaluated when determining the estimated recovery in the Plan & Disclosure Agreement.

4. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* Substantial ongoing interest from household investors and substantial concerns pertaining to lack of representation, protections, and disclosures in the Chapter 11 proceedings.

5. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]*

I certify under penalty of perjury that the above is true.

Date: 6/13/2024  
*[Enter the date this document is signed]*

Bed Bath and Beyond Shareholder  
Signature  
*[Of the party with actual knowledge of the facts set forth above]*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
*[Enter your name, address and telephone number]*  
Bed Bath and Beyond Shareholder  
228 Park Ave S PMB 932020  
New York, New York 10003-1502  
147Aurora741@gmail.com

U.S. BANKRUPTCY COURT  
FILED  
NEWARK, NJ  
2024 AUG 20 P 3: 03  
JESSICA A. MONTGOMERY  
BY: *Diana Clymer*  
DEPUTY CLERK

In Re:  
*[Enter the debtor's name(s)]*  
Bed Bath and Beyond Inc.

Case No.: 23-13359  
*[Enter the case number]*  
Chapter: 11  
*[Enter the chapter; example: 13]*  
Hearing Date: 7/9/2024  
*[Enter the hearing date]*  
Judge: Papalia  
*[Enter the Judge's last name]*

**STATEMENT AS TO WHY NO BRIEF IS NECESSARY**

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: 6/13/2024  
*[Enter date this document is signed]*

Bed Bath and Beyond Shareholder  
Signature *[Of party seeking relief]*



UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b) [Enter your name, address and phone number] Bed Bath and Beyond Shareholder 228 Park Ave S PMB 932020 New York, New York 10003-1502 147Aurora741@gmail.com	
In Re: [Enter the debtor's name(s)] Bed Bath and Beyond Inc.	

U.S. BANKRUPTCY COURT  
FILED  
NEWARK, NJ

2024 AUG 20 P 3:04

JENNIFER A. FAUGHTON  
BY: Ronan Chynoweth  
DEPUTY CLERK

Case No.: 23-13359  
[Enter the case number]  
Chapter: 11  
[Enter the chapter of the case]  
Hearing Date: 7/9/2024  
[Enter the hearing date]  
Judge: Papalia  
[Enter the Judge's last name]

### CERTIFICATION OF SERVICE

1. I, Bed Bath and Beyond Shareholder :

- ☐ represent \_\_\_\_\_ in this matter.
- ☐ am the secretary/paralegal for \_\_\_\_\_, who represents \_\_\_\_\_ in this matter.
- ☒ am the Shareholder in this case and am representing myself.

2. On [Enter the date you served the documents] June 13th, 2024, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

[Place a check next to each document you served]

- ☒ Notice of Motion [Enter title of motion] Request for Relief/Appointment of Official Committee of Equity Committee
- ☒ Certification in Support of Motion [Enter title of motion] Request for Relief and Appointment of an Official Committee of Equity Security Holders

☒ Statement as to Why No Brief is Necessary

☒ Proposed Order Granting Motion *[Enter title of motion]* Request for Relief and Appointment of Official Committee of Equity Security Holders

☒ Other *[Enter title of document]* Request for Shareholder Relief - Appointment of an Equity Committee.

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 6/13/2024  
*[Enter the date you signed this document]*

Bed Bath and Beyond Shareholder  
Signature *[Of the person who served the documents]*

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<i>[Enter the name and address of the party you served]</i> Honorable Judge Papalia United States Bankruptcy Court District of New Jersey 50 Walnut St #3017 Newark, NJ 07102	<i>[Enter the party's relationship to the case]</i> Presiding Judge	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>Email</u> (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i> Kirkland & Ellis LLP 601 Lexington Avenue New York, NY 10022 Attn: Emily E. Geier, Esq.	<i>[Enter the party's relationship to the case]</i> Former Debtors Counsel	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>Email</u> (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i> Pachulski Stang Ziehl & Jones LLP 780 Third Avenue, 34th Floor New York, New York 10017 Attn: Bradford J. Sandler, Esq.	<i>[Enter the party's relationship to the case]</i> Counsel to Plan Administrator & Official Committee of Unsecured Creditors	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>Email</u> (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i> United States Trustee One Newark Center 1085 Raymond Boulevard, Suite 2100 Newark, NJ 07102 Attn: Fran B Steele, Esq.	<i>[Enter the party's relationship to the case]</i> US Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>Email</u> (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i> Jeffrey Kurzon 216A Old Jaffrey Road, Peterborough, NH 03458 Jeff@Kurzon.com	<i>[Enter the party's relationship to the case]</i> Unknown	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input checked="" type="checkbox"/> Other <u>Email</u> (As authorized by the court or rule. Cite the rule if applicable.)



UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b> <i>[Enter your name, address and phone number]</i> Bed Bath and Beyond Shareholder 228 Park Ave S PMB 932020 New York, New York 10003-1502 147Aurora741@gmail.com	
In Re: <i>[Enter the debtor's name(s)]</i> Bed Bath and Beyond Inc.	

Case No.:	23-13359 <i>[Enter the case number]</i>
Chapter:	11 <i>[Enter the case number]</i>
Hearing Date:	7/9/2024 <i>[Enter the hearing date]</i>
Judge:	Papalia <i>[Enter the Judge's last name]</i>

**ORDER GRANTING** Request for Relief and Appointment of Official Committee of Equity Security Holders  
*[Enter the relief sought]*

The relief set forth on the following pages, numbered two (2) through *[enter the number of the last page of this Order]* two (2) is **ORDERED**.

*[Leave the rest of this page blank]*

### **Introduction**

I am submitting this as an Exhibit to my Notice of Motion and Request for Relief Letter to respectfully request the Appointment of an Official Committee of Equity Security Holders. The purpose of this attachment is to provide additional context to the Certification of Facts presented in the motion. As a shareholder of Bed Bath and Beyond, I am deeply concerned about the lack of representation and adequate protection afforded to equity holders throughout the recent Chapter 11 Restructuring proceedings.

I want to emphasize that I am not a legal professional and do not have any formal background in bankruptcy law. However, I have done my best to outline my concerns and support them with applicable legal principles to the best of my ability. While I believe the statements made in this exhibit are factual, I acknowledge that not all of them may be admissible on their own without further discovery. Nonetheless, I assure the court that I am presenting this information in good faith and without any intentional misrepresentation or bias. In hindsight, I recognize that equity holders should have petitioned the court to appoint an Equity Committee at the outset of the Chapter 11 proceedings. However, there was a widespread belief within the retail investing community that seeking representation and adequate protections would somehow hinder the bankruptcy process and our anticipated re-emergence with issuance of new parent equity. While this theory may have had merit, my personal views now differ significantly. I strongly believe that Bed Bath and Beyond was deliberately driven into bankruptcy to conceal and capitalize on numerous instances of fraud within the company. While these are bold claims, the intent of the Request for Relief and Motion is simply because it should have been done from the beginning and believe it is clear beyond a reasonable doubt that shareholders were not adequately protected.

**Prior Communications** As previously discussed with the court, on April 8th, I sent a physical copy of a letter to the US Bankruptcy Court and the Office of the US Trustee. I also emailed a signed version of the letter, along with additional context, on April 19th. This letter was subsequently entered into the dockets as #2991 on April 23, 2024. The letter served as an initial step in expressing my concerns regarding the lack of disclosure and general confusion surrounding the Chapter 11 Restructuring proceedings. The key issues highlighted in the letter include:

1. The inability of shareholders to obtain appropriate representation, coordinate efforts, pool resources, and be sufficiently informed and protected throughout the bankruptcy process.
2. The substantial misrepresentation of the common stock owned by retail investors (household shareholders).
3. Suspicious trading activity involving the company's common stock.
4. The significant undervaluation of the company's assets.
5. Concerns regarding professional fee statement activity.
6. Potential improprieties among certain creditors.

**Purpose of the Exhibit** The court advised me to consider seeking legal counsel to assist me in this matter. However, as I explained in my previous letter, the financial burden of securing individual representation is simply not viable for my family and me, given that our investment in Bed Bath and Beyond has been severely impacted by the various alleged frauds within the company. Furthermore, coordinating collective representation and pooling resources among retail investors has proven to be exceedingly difficult and fragmented. I want to clarify that the purpose of this motion is not to obstruct the Final Order but rather to express my profound concern that shareholders, including myself, have not been adequately represented by the court throughout this process.

### **Certification of Facts for Request of Relief and Notice of Motion**

- 1) **Lack of Shareholder Representation:** The Bankruptcy Code 11 U.S.C. § 1102(a)(2) states that "On request of a party in interest, the court may order the appointment of additional committees of creditors or of equity security holders if necessary to assure adequate representation of creditors or of equity security holders." This code is directly relevant to the current situation.
  - a. **Absence of Shareholder Representation** The obvious absence of any form of shareholder representation throughout the Bed Bath and Beyond Chapter 11 proceedings is a glaring failure to protect the interests of equity security holders, which is a fundamental requirement under the Bankruptcy Code. This lack of representation has left shareholders without a voice and without any means to advocate for their rights and interests.
  - b. **Failure of U.S. Trustee and Unsecured Creditors Committee** It appears that both the U.S. Trustee and the Unsecured Creditors Committee have fallen short in their responsibilities to ensure that all stakeholders, particularly shareholders, are adequately represented in the restructuring process. This raises serious questions about the selection process for the committee of unsecured creditors and whether any shareholders were consulted or considered for inclusion.
  - c. **Potential Consequences of Lack of Representation** The absence of shareholder representation may have resulted in the confirmation of a plan that unjustly discriminates against equity security holders and fails to take their interests into account. Without proper advocacy during the plan negotiation and confirmation process, shareholders' concerns and potential objections were likely overlooked or disregarded.
  - d. **Importance of Appointing an Equity Committee** At this critical juncture, the appointment of an equity committee is not only warranted but essential to safeguard shareholders' rights and ensure their participation in the final stages of the

synthetic shares in existent and rampant rehypothecation left unchecked by the DTC. There are literally dozens of questions I have documented as areas of concerns, and I know the other shareholders also are eager to understand and be made aware of.

**Important of a Fair Recovery for Class 9 Shareholders** I believe to be pervasive conflicts of interest from multiple of the professional service firms associated with the Chapter 11, and *gross negligence* and potential *securities fraud* by numerous parties. I mentioned several times in emails there is a market data analysis I will be submitting in the near future which in my opinion shows beyond the shadow of a doubt that there are important reconciliations that need to occur relating to the share registration and delivery obligations associated with the offerings that took place in 2023.

**Personal and Community Impact of the Case** As I briefly touched on above and in the Request for Relief letter (docket 2991), household investors have lost 100% of their asset value given their shares were cancelled and are completely gone. Personally, having recently welcomed two young children into the world, there is simply no way my family can afford representation. Furthermore, the ability of the community to efficiently pool resources and information to obtain representation is extremely inefficient and not practical. Most of the community who directly registered with the Company's transfer agent haven't even received 1099s for their 2023 tax filings. I want to be as forthcoming and transparent with the court as possible – if this motion is rejected, in the coming weeks I will be filing complaints and assertions that outline what I believe to be substantial conflicts of interest associated with nearly all parties involved in the bankruptcy, as well as gross negligence and possible securities fraud by the DTC/Market Makers. I believe it is *imperative* to ensure adequate protections are put in place – not only for the sake of individual investors, but also to protect the integrity of the court. It is not my desire or intention to get in the way or cause delays but again the concerns being raised above (among countless others) deserve immediate attention of the courts.

**High Likelihood of the Existence of Synthetic Shares** To ease these concerns, even a 0.1% recovery for Class 9 would expose synthetic shares are in existence. Simply put, you cannot distribute a fixed dollar amount to an impossible number of shares. The percentage or dollar amount does not matter as the math will fail and distributions of proceeds from recovery will be unable to be paid to synthetic shares as they are no longer in brokerage accounts. An amendment to the existing plan would *not* cause a revote by the classes as none of the other classes would be impaired or negatively impacted by the court providing this much needed protection.

**Call for Action and Protection of Shareholder Rights** Considering the substantial concerns raised in this Exhibit, including the lack of shareholder representation, potential conflicts of interest, undervaluation of assets, and the need for increased transparency, I respectfully implore the court give this matter its undivided attention. The appointment of an equity committee and the modification of the existing committee's membership are essential steps in protecting the rights of shareholders and ensuring the fairness and integrity of the Chapter 11 proceedings. I am prepared to provide any additional information or assistance that the court may require in its consideration of this motion. Thank you for your time and attention to this critical matter, your decision will have a profound impact on the lives of countless families who have invested their hard-earned money in Bed Bath & Beyond.

Sincerely,

Bed Bath and Beyond Shareholders  
228 Park Ave S PMB 932020  
New York, New York 10003-1502

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